

# Article 139 Claims

The Claims Office is here to help you prepare and file your claim. Our job is to process your claim as quickly and fairly as possible so you get all money due you under law and regulation.

If a soldier who is drawing a paycheck has wrongfully taken or willfully damaged your property, you may file a claim against the soldier under Article 139 of the Uniform Code of Military Justice (UCMJ). Any individual (civilian or service member), business entity, government, or non-profit organization may file such a claim. Certain requirements must be met, however, before your claim may be paid.

Article 139 allows commanders to investigate such claims and, if substantiated, to direct finance to pay the victim directly from the wrongdoer's pay. If an individual offender cannot be determined, Article 139 authorizes commanders to direct finance to withhold the pay of all members of a unit who were present. Article 139 is entirely separate and distinct from disciplinary action taken under other sections of the UCMJ.

In order for a claim to be valid under Article 139, the property must have been "willfully damaged" or "wrongfully taken." "Willfully damaged" includes damage inflicted intentionally, knowingly, and purposefully without justifiable excuse. It does not include damage caused inadvertently or through negligence on the soldier's part. "Wrongfully taken" includes any unauthorized taking or withholding of property with the intent to temporarily or permanently deprive the owner or person lawfully in possession of the property.

**AN ARTICLE 139 CLAIM MAY NOT BE FILED, HOWEVER, FOR A BREACH OF CONTRACT.** If a soldier does not pay his bills, the civilian business cannot file an Article 139 claim. If a soldier agreed to buy an item from another soldier and then defaults on his obligation to pay, an Article 139 claim may not be filed. You may pick up an Article 139 claim form at the Fort Monroe Claims Office. An Article 139 claim must be filed with the Claims Office within 90 days of the incident giving rise to the claim unless good cause for the delay is found. Good cause generally includes being unaware of Article 139 or the identity of the offender. Once a claim is filed, an investigating officer (IO) will be appointed. The IO will interview the claimant, the suspected soldier, and any witnesses. All evidence in support of the claim will also be considered. The IO will then make findings of fact and a recommendation to the appropriate commander. The commander may then disprove the claim or approve it in an amount equal to or less than the amount recommended by the IO. The claimant and the soldier against whom the claim was made will be notified of the commander's decision and their right to request reconsideration. Once any requests for reconsideration have been dealt with, the approval authority will direct finance to withhold the approved amount from the soldier's pay.

If you have been the victim of an offense for which an Article 139 claim may be filed, you should contact the Fort Monroe Claims Office, located in the Post Headquarters

Building (BLDG 77). Hours of operation are 0830 hours to 1630 hours. You may contact the claims office at (757)727-2157